Appendix VII

Glencore, Ira Glasenberg, Dan Gertler (2013-2020)

Legally, Glencore plc is a British multinational commodity trading and mining company with headquarters in Baar, Switzerland, and its registered office in Saint Helier, Jersey. The current company was created through a merger of Glencore with Xstrata in 2013. As of 2015, it ranked tenth in the Fortune Global 500 list of the world's largest companies.

In June, 2020 Switzerland's Attorney General's Office opened a criminal probe into commodity miner and trader Glencore over allegations it failed to have measures in place to prevent corruption in the Democratic Republic of Congo.

As Glencore International, the company was already one of the world's leading integrated producers and marketers of commodities. It was the largest company in Switzerland and the world's largest commodities trading company, with a 2010 global market share of 60 percent in internationally tradable zinc, 50 percent in internationally tradable copper, 9 percent in the internationally tradable grain market and 3 percent in the internationally tradable oil market.

Glencore had a number of production facilities all around the world and supplied metals, minerals, crude oil, oil products, coal, natural gas and agricultural products to international customers in the automotive, power generation, steel production and food processing industries. The company was formed in 1994 by a management buyout of Marc Rich & Co AG (itself founded in 1974). It was listed on the London Stock Exchange in May 2011 and was a constituent of the FTSE 100 Index. It had a secondary listing on the Hong Kong Stock Exchange, but withdrew in January 2018. Glencore's shares started trading on the Johannesburg Stock Exchange in November 2013. The Qatar Investment Authority is its biggest shareholder.

LEGAL TROUBLES

In 1983, Rich was indicted in the United States on charges including tax evasion, wire fraud, racketeering, and violating U.S. sanctions against Iran. The case became one of the largest tax evasion indictments in U.S. history at the time. Facing possible prison, Rich fled to Switzerland, where he lived in exile for decades, never returning to the United States.

He was placed on the FBI's "Most Wanted" list and became a symbol of corporate law evasion. U.S. authorities repeatedly sought his extradition, but Swiss courts refused.

PRESIDENTIAL PARDON

On January 20, 2001, during his final hours in office, U.S. President Bill Clinton issued a pardon to Marc Rich. The pardon was highly controversial because Rich's ex-wife, Denise Rich, had made large donations to the Democratic Party and the Clinton Library. Critics in Congress and the media called it an abuse of presidential power. Clinton defended the decision, citing support from Israeli officials (including Prime Ministers Ehud Barak and Shimon Peres), who emphasized Rich's philanthropic contributions to Jewish causes and Israel.

In the DRC, Glencore's Luilu copper refinery uses acid to extract the copper. For three years after taking over the mine, it continued to allow the waste acid to flow into a river. The chief executive, Ivan Glasenberg, was interviewed for Panorama by John Sweeney and said 'It was impossible to remedy any way faster'[1]. Glencore said the pollution started long before the company took over the refinery and that it has now ended. A reporter for The Guardian found children as young as ten years underground at the Tilwezembe mine, which the company had said in a 2008 prospectus that it had closed due to falling copper prices. Prices rebounded later. Glasenberg said the company does not profit from child labor, and the child miners went with artisanal mining by nearby residents that Glencore was trying to prevent. But Panorama tracked a shipment of copper from the mine to Groupe Bazano plant and from that plant to a Glencore smelter in Zambia.

Glencore was also accused of acquiring illicit "conflict minerals". In a detailed letter sent to Global Witness, the company denied any wrongdoing.

Glencore acquired stakes in the Kansuki mine in Congo's southern Katanga Province in 2012. According to Global Witness, Congo's government transferred a 75 percent stake in Kansuki mine in secret and at vastly undervalued prices in July 2010 to a company in which Dan Gertler[2], who is a close friend of President Joseph Kabila, has an interest. Just a month later, in August 2010, Glencore took half the shares of the company that acquired that 75 percent stake, becoming the operator of the mine. Glencore is financing the entire development of the Kansuki mine, thereby carrying the costs for the other partner companies, which are associated with Mr Gertler. Glencore said at the time "During the period when these transactions took place, Glencore had decided in general not to increase its shareholdings in DRC projects."

Glencore acquired a 50 percent share in SAMREF Congo SPRL in 2007, a Congolese-registered company holding 80 percent of the Mutanda Mine. According to Global Witness, SAMREF recommended in March 2011 that Congo's state-run company Gécamines,

[1] Global Witness is an international NGO established in 1993 that works to break the links between natural resource exploitation, conflict, poverty, corruption, and human rights abuses worldwide. The organisation has offices in London and Washington, D.C. Global Witness is active on a range of issues in the Democratic Republic of Congo. Their website section on DRC reads, "Politicians, military and militia groups have plundered the country's natural wealth and used it to enrich themselves at the detriment of the population." Global Witness has lobbied the UK government and the UN Security Council to stop the trade in minerals fuelling war in eastern Congo. See: https://en.wikipedia.org/wiki/Global_Witness

[2] According to an article by Mungo Soggot and Phillip van Niekerk published by the Center for Public Integrity in November 2002: "In the Congo, Kabila handed a monopoly of the country's lucrative diamond trade to an Israeli company, International Diamond Industries, for $20 million. According to the United Nations, IDI's 27-year-old owner, Dan Gertler, agreed to arrange, through his connections with high-ranking Israeli military officers, the delivery of arms as well as the training of Kabila's armed forces. This was a source of great aggravation for Congo's traditional diamond traders, especially members of the local Lebanese population who had dominated the industry during the rule of Mobutu."

holding the other 20 percent of the Mutanda Mine, sell this share to an entity also associated with Dan Gertler and went on to question the links between Glencore and Dan Gertler. Glencore has been designated operator of the Mutanda Mine. Glencore has responded a number of times to Global Witness regarding these allegations.

In March 2018, it was reported that Glencore would sell one third (13,800 tonnes) of its cobalt output to China's battery recycler GEM. 18,000 tonnes are to be sold in 2019, and 21,000 in 2020. During the FT Commodities Global Summit in Lausanne, Switzerland, CEO Glasenberg stated "if cobalt falls into the hands of the Chinese, yeah you won't see EVs being produced in Europe etc." Yet, Glasenberg then said that he was prepared to sell DRC cobalt mines to China if the price was good. Concurrently, a Chinese take-over of some of the mines became a real possibility due to a legal dispute about royalty payments to Gertler and Gécamines. The DRC supplies 60 percent of the world's cobalt ore, while China produces more than 80 percent of the world's refined cobalt. In December 2018, Bloomberg reported that the Chinese battery firm GEM withdrew from its purchase contract with the commodities trader due to a price crash and oversupply of cobalt ore and recycled sources. In November 2018, export stopped due to uranium contamination at the Kamoto Project; the company planned to fix this with a US$25 million ion-exchange refining plant.

In a June 2018 "debt-for equity swap", Glencore's Katanga Mining Ltd. agreed to a recapitalization plan involving a US$5.6 billion debt write-off and a $150 million payment to the Congolese state mining company Gécamines. According to company sources, Gertler will receive a royalty of about 25 million euros in 2018.

Later in June 2018, Glencore also announced that it had resumed paying royalties to Gertler's Ventora Development in unpaid and future royalties from the subsidiaries Mutanda Mining ($695 million) and Kamoto Copper Co ($2.28 billion). Gertler had sued Glencore in a Congolese court after payments stopped when he was sanctioned by the U.S. government in December 2017. The mines produce copper and cobalt, needed for lithium-ion batteries in mobile devices and electric vehicles. Glencore and Gertler were in a legal dispute, threatening the strategic supply of the metals and ownership of the mining entities. Glencore paid the royalties in a currency other than dollars to skirt sanctions, and discussed the deal with Swiss and U.S. authorities. Glencore also settled a dispute involving the Kamoto copper and cobalt mine, but differences remain about tax and royalty payment.

In July 2018, the DRC enforced a new mining code, which forced Glencore to pay higher taxes. In response, the company began talks with the Congolese government. In August, CEO Glasenberg announced that Glencore was considering legal action.

On December 4, 2020, Glencore announced that after 36 years with the company Ira Glasenberg would retire as CEO and as a member of the Glencore Board during the first half of 2021.

According to his Wikipedia entry, Dan Gertler's deals have been under scrutiny by the International Monetary Fund (IMF) and the World Bank since 2012. The Panama papers revealed deals carried out through Mossack Fonseca shell companies, among his many offshore companies.

Effective 21 December 2017, US President Donald Trump issued Executive Order 13818 implementing the Global Magnitsky Human Rights Accountability Act and listed Gertler in the Annex, which blocked all of Gertler's assets that were under U.S. jurisdiction. According to The Economist, the implementation of these sanctions was probably one of the reasons that Gertler's close friend, then-President of the Democratic Republic of the Congo, Joseph Kabila decided to not run for re-election in the December 2018 general election.

In a video made public on November 16, 2020[3], speaking only in heavily-accented English, Dan Gertler attempted to gain public support in the Congo in his fight against corruption charges, by announcing that henceforth the entire Congolese people could be his “partners” in his Congo mining ventures, and that before the end of the year he would share with them all dividends from one of his projects in Katanga province. No details have been provided. Not surprisingly, this PR exercise has been met with a great deal of scepticism in the DRC and elsewhere.

LEGAL & SANCTIONS DEVELOPMENTS

In December 2017 and again in June 2018, the United States imposed sanctions on Dan Gertler under the Global Magnitsky Act, citing corruption and human rights abuses tied to his mining and oil dealings in the Democratic Republic of the Congo. According to U.S. Treasury findings, his transactions with the Congolese state between 2010 and 2012 allegedly deprived the country of more than $1.36 billion in revenues due to underpriced asset sales. These sanctions froze Gertler’s U.S.-based assets and prohibited American individuals and firms from engaging in transactions with him. (U.S. Department of the Treasury, The Wall Street Journal, The Times of Israel)

Beginning in 2024, U.S. officials began exploring the possibility of partially easing these restrictions. The motivation was largely strategic: to facilitate Gertler’s gradual exit from the DRC’s resource sector and to reopen access to cobalt and copper assets vital for Western clean-energy supply chains. However, these discussions sparked criticism from human rights advocates and policy experts who argued that any relaxation risked undermining the credibility of U.S. sanctions as a tool against corruption. (Bloomberg, Reuters, Le Monde)

Most recently, in 2025, an international arbitration proceeding shed light on Gertler’s complex network of financial transactions. During testimony, he described how deals in the DRC were structured through layered payment systems and intermediaries. While these disclosures confirmed the opaque nature of his business operations, the tribunal did not uncover direct evidence of bribery. (Discovery Alert, Wikipedia)

[3] See: https://www.youtube.com/watch?v=HTFNvlVQyEE

PHILANTHROPY & DIPLOMACY

Beyond his controversial business dealings, Gertler has engaged in substantial philanthropic activity. In 2004, he established the Gertler Family Foundation, which funds initiatives in healthcare, education, agriculture, infrastructure, and emergency relief in the DRC. His contributions have included the construction of hospitals, schools, and clinics across the country. He has also directed significant donations toward religious and charitable causes in Israel, positioning himself as both a benefactor in Africa and a supporter of Jewish philanthropic networks abroad.